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NOTES FROM LOCAL BRANCHES

UNIVERSITY OF MISSOURI

A PLAN FOR FACULTY PARTICIPATION IN THE CONSIDERATION OF THE DISMISSAL OF TEACHERS

"PRINCIPLES

"1. The power to dismiss a teacher is vested by law in the Board of Curators, which in turn holds the President responsible for the efficient administration of the University. Good administration requires that power and responsibility should be united. On the side of the President, it is undesirable that he should be responsible for the management of the University and yet should lack the power to recommend dismissals. On the side of the Faculty, it is undesirable that the President should actually have power but not be responsible for its exercise. In the last resort, therefore, a recommendation of dismissal should be known as the untrammeled act of the President. The President, however, should be able to perform this duty under such conditions as will relieve him from the suspicion of having acted hastily, of having been moved by personal prejudice, or of having invaded the freedom of teaching.

"2. Security of tenure does not mean that the teacher has an indefeasible right to his position, but only that he shall hold it so long as no valid reason for his dismissal exists. The rights conferred on a teacher by security of tenure are (a) that, if a reason for his dismissal is alleged to exist, he shall be informed precisely what that reason is; (b) that allegations of fact shall be sufficiently definite to permit of positive verification or refutation; (c) that he shall have full power to introduce additional evidence bearing upon the case and to make a statement in his own defense.

"3. The interest of the Faculty (as representing the profession) consists in securing (a) that dismissals shall be made in an orderly manner where a just and adequate ground for dis-

missal exists, and (b) that dismissals shall take place only for violations of recognized professional standards of efficiency or conduct.

"Conclusion: The interests of all concerned require the maintenance of an orderly procedure to be followed in all cases where a question of dismissal is involved. Such procedure requires the establishment of a judicial agency capable of determining objectively the truth of charges and the adequacy of alleged grounds for dismissal. Such a tribunal must be in a position to make a thorough examination of all evidence to determine that the reasons for dismissal are established as true in fact; it must also be free to express an unbiased judgment regarding the sufficiency of the facts to warrant dismissal.

"The Committee suggests the following plan of a Judicial Committee of the Faculty and of a procedure to be followed in cases where dismissal may be involved.

"ORGANIZATION

"1. A Judicial Committee of the Faculty, consisting of nine members, shall be elected by ballot of the Faculty, a majority of the votes cast being necessary to elect. The term of service shall be three years and three members shall be elected each year at the September meeting of the University Faculty. Any teacher below the rank of dean and holding his position on permanent tenure shall be eligible to membership. Nominations shall be by preliminary ballot, the second and succeeding ballots being upon those receiving the highest votes in the preliminary ballot to the number of twice the number of vacancies to be filled. Vacancies in the membership of the Committee due to resignation or withdrawal from the University shall be filled for the unexpired term at the next meeting of the Faculty after the vacancy occurs.

"The tenure of the members chosen at the first election shall be settled by lot.

"2. In case the President has reason to believe that there exist facts which may warrant the dismissal of a teacher of the rank of Instructor or higher before the termination of his appointment, he shall make a preliminary investigation, after which he may submit the evidence to the Judicial Committee and secure its advice regarding the sufficiency of the evidence to

warrant a fuller investigation. In any case before dismissal is recommended to the Board, the President shall prepare in writing a statement of the facts considered a possible cause for dismissal and shall submit the same to the teacher concerned. The teacher shall be permitted to offer evidence and make a statement in his defense. The charges and all the evidence shall be submitted to the Judicial Committee of the Faculty.

“3. The Committee shall have power to call for documents, examine witnesses, or use whatever means of taking evidence it deems most suitable to elicit the facts. In case the charges include an allegation of professional incompetence, the Committee may, if it thinks best, constitute a commission of experts (either from its own members or otherwise) to advise it on this point.

“4. After due examination the Committee shall prepare a written report or reports of findings and recommendations, covering both the accuracy of the facts and the adequacy of these facts as a reason for dismissal. Any member or group of members shall be permitted to prepare a separate report, all reports being signed by the concurring members.

“5. The President is not bound to recommend action to the Board of Curators in the sense of any of these reports, but if he recommends dismissal, he shall lay before the Board, together with his recommendation, the charges, evidence, and all the reports of the Committee.

“6. In case no recommendation of dismissal is made to the Board of Curators, the proceedings of the Judicial Committee shall be regarded as confidential. As soon as such a recommendation is made, the charges and the Committee’s reports shall be made a matter of record and shall be open to the examination of any member of the Faculty.

“The Committee recommends that in the event this report is accepted by the local branch, the Chairman of this Committee be authorized to send a copy of this report to the President of the University, in the expectation that a motion will be made in the University Faculty to create a faculty committee to consider the question.”

(This report was accepted by the local branch at its meeting of March 3, 1920.)